



392.1002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Applicants: Hiroyuki ABURATANI, et al.

Application No.: 10/526,741

Filing Date: March 4, 2005

For: **ANTIBODY AGAINST SECRETED
N-TERMINAL PEPTIDE OF GPC3 PRESENT
IN BLOOD OR C-TERMINAL PEPTIDE OF
GPC3**

Examiner: Peter J. Reddig

Art Unit: 1642

Confirmation No.: 4248

DECLARATION OF INVENTOR
IWAO OHIZUMI UNDER 37 C.F.R. § 1.132

S I R:

I, Iwao OHIZUMI, declare as follows:

1. I am one of the named co-inventors of the above-identified U.S. patent application. I am employed by Chugai Seiyaku Kabushiki Kaisha, of 135, Komakado 1-chome, Gotenba-shi, Shizuoka 412-8513, Japan.
2. I have read and understand the specification and claims of the above-identified application, which is a national phase filing under 35 U.S.C. § 371 of International Patent Application No. PCT/JP2003/011318, filed September 4, 2003.
3. I have read and understand the Office Action regarding the above-identified application mailed by the United States Patent and Trademark Office on June 14, 2006. I understand that claims 8 and 11-16 of the application stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0236080 (Aburatani et al.).

4. I am not listed as a co-inventor along with Hiroyuki Aburatani, Tetsuo Nakamura and Masayuki Tsuchiya on U.S. Patent Application No. 10/481,524, which was published under U.S. Patent Application Publication No. 2004/0236080. However, I worked with the three inventors of U.S. Patent Application No. 10/481,524 on the subject matter thereof while employed at Chugai Seiyaku Kabushiki Kaisha and contributed to the disclosure of that application, although not to the subject matter that was ultimately included in the claims of that patent application.

5. With respect to the disclosure set out in U.S. Patent Application Publication No. 2004/0236080 that is relied upon by the Examiner in his rejection of claims 8 and 11-16 of the present application, I state that Hiroyuki Aburatani, Tetsuo Nakamura and Masayuki Tsuchiya, the inventors of that application, learned or received knowledge about that disclosure from me. Hiroyuki Aburatani, Tetsuo Nakamura and Masayuki Tsuchiya are not co-inventors of that subject matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued hereon.

Date: October 3 / , 2006


Iwao OHIZUMI